

REMARKS

1. Claims 3-62, 80-102, and 104-124 were pending. Claims 3, 80, and 88 have been amended. No claims have been canceled. Claim 125 has been added. Therefore, claims 3-62, 80-102, and 104-125 are now pending. Applicant respectfully requests reconsideration of the claims in view of the above amendments and the following remarks.

2. Applicants acknowledge with appreciation the willingness of Examiner Boyce to discuss the final office action on May 18, 2010 and to consider a proposed amendment submitted on May 19, 2010.

3. In an effort to bring the subject patent application to allowance in view of the nine-plus years that this patent application has been pending, Applicant has amended the claims to clarify that the database supports a two-way function by providing information indicating industries to which the job function is potentially transferable from the first industry and also providing information indicating industries from which the job function is potentially transferable to the first industry, where such two-way function is asymmetric. In this regard, for example, the patent application discloses the following beginning at page 12, line 22:

One possible use of the data structure of the embodiment of Fig. 1 is to identify industries to which a job seeker may transfer his or her job function capabilities. Thus, for example, a marketing manager in the Travel and Transportation industry who is looking for a new job can use the data structure to find industries, other than the Travel and Transportation industry, to which his or her job function capabilities are transferable. In such a case, when moving across the row corresponding to the industry in which the job seeker has experience, each industry listed in a column marked with an "X" is an industry to which the job seeker's job function capabilities are transferable. By enabling the provision of a

list of such industries, the data structure of the embodiment of Fig. 1 greatly expands the options available to job seekers, who might otherwise not be aware that their skills are transferable to other industries.

Another possible use of the data structure of the embodiment of Fig. 1 is to identify industries from which an employer may recruit potential employees. Thus, for example, a company in the Travel and Transportation industry that wishes to hire a marketing manager can use the data structure to find industries, other than the Travel and Transportation industry, from which to recruit marketing managers to fill the job. In this case, the data structure functions in the reverse fashion from that previously described for job seekers. That is, moving down the column corresponding to the employer's industry, each industry listed in a row marked with an "X" is an industry from which the employer may recruit potential employees. The data structure of the embodiment of Fig. 1 thus also expands the options available to employers, who might otherwise not be aware of industries outside their own from which to recruit potential employees.

The data structure of the embodiment of Fig. 1 is not necessarily symmetric, because job function capabilities are not necessarily transferable in a symmetric fashion. For example, in Fig. 1, a marketing manager in the consumer package goods industry is indicated as being able to transfer to the pharmaceuticals industry. However, the reverse is not indicated: a marketing manager in the pharmaceuticals industry is not indicated as being able to transfer to the consumer package goods industry. Such an asymmetry may occur when a job function capability in one industry involves skills that are widely generalizable to other industries in which the same job function capability involves more specific expertise. This potential asymmetry should be noted for the embodiment of Fig. 1: moving across the rows indicates industries to which a transfer is possible, out of the industry indicated in the row heading; moving down the columns indicates industries from which a transfer is possible, into the industry indicated in the column heading. A common feature of both of these uses of the data structure of

the embodiment of Fig. 1 is that in both cases, industries are identified for potential transfer of a job function capability with respect to a first industry.

Applicant respectfully submits that the prior art of record (Salmon in particular) neither teaches nor suggests such a database and use of such a database to identify at least one second industry other than the first industry for potential transfer of the job function, as claimed.

Notwithstanding Applicant's amendment of the claims, which are believe to make the earlier grounds of rejection moot, Applicant wishes to address some of the statements made by the Board in its Decision on Request for Rehearing dated July 30, 2010 vis-à-vis the claims pending at that time.

a. The Board stated that "all that independent claims 3, 80, and 88 recite is correlating potentially transferable job functions for two industries." Applicant disagrees with this characterization because, among other things, the claims did not recite correlating per se but instead recited use of a database to identify industries for potential transfer of a job function, where the database correlates a first industry with a set of second industries. The claims did not include a "correlating" step to be performed as part of the method. The Board's position is essentially that the claims covered mere mental steps because the user's setting of weights in Salmon is implicitly a correlation, but the claims quite specifically referred to a computer-implemented method that used a database stored on a digital storage medium. Salmon includes a database that "contains information, including multimedia information, descriptive of ones of the goods or services" to be brokered between sellers and buyers (see Salmon's abstract), but Salmon's database does not correlate a first industry with a set of second industries as claimed.

b. The Board stated that "by setting the weights of industry and experience in Salmon, the user is implicitly stating how much a particular job function is transferable across industries. Applicant disagrees with this characterization in that, by setting weights, the user in Salmon is implicitly stating a subjective interest that may or may not reflect actual transferability of a job function across industries. Thus, for example, the user may place a low weight on an industry that really has high transferability and may

place a high weight on an industry that really has low transferability. Aslmon's user has no objective way to evaluate potential transferability. Furthermore, it appears that the primary use of such weights in Salmon is for sorting/ordering of search results, as discussed in Salmon at column 10, lines 57-67 and elsewhere. Salmon's database contains information descriptive of goods/services but does not correlate a first good/service with a set of second goods/services to which or from which there is potential transferability.

c. The Board stated that "this correlation is done in the Buyer's profile and, as such, is not merely matching people, but rather establishing for a job function in the first industry a match to that same job function in a plurality of second industries." It is perhaps true that the weights are stored in Buyer's profile, but the Buyer's profile is not a database that is accessed and used to identify industries as in the claimed invention. Rather, the Buyer's profile specifies criteria for matching and sorting. This is quite clear in Salmon, for example, at column 3, lines 43-44 ("The system presents the candidates that closely match the Buyer's Profile"). The fact that Salmon will match on candidates from other industries is not a correlation of industries in the context of the claimed invention.

d. The Board stated that "as such, the Salmon method does correlate for a job function in a first industry with a set of second industries to which the job function capability is capable of being potentially transferable." This statement seems to miss the point of the claimed invention, which is to identify industries for potential transfer of a job function. As discuss in (c) immediately above, Salmon does not identify second industries, but instead identifies candidates that match the Buyer's Profile, where the candidates might come from different industries and may be sorted according to user-specified weights. Again, Salmon simply does not use a database to identify industries as in the claimed invention.

Applicant respectfully submits that Salmon neither teaches nor suggests the claimed invention. The claimed invention essentially provides a tool for a user (perhaps even a user of a system such as Salmon's) to identify industries to which and from which a job function is potentially transferable. Since Salmon lacks such a tool, Salmon's user would be relegated to "seat-of-the-pants" stabs at choosing target industries and setting

weights until an acceptable number of candidates are matched in a search, without any real way to objectively evaluate the potential for transfer to or from a particular industry. Quite succinctly, the subject patent application states that “An embodiment in accordance with the present invention provides an automated system for recommending employment options, based on functional similarities between jobs performed in different industries.” Applicant respectfully submits that Salmon simply does not provide such a system but instead relates to matching and sorting based on user-specified criteria.

4. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned if it will assist further examination of this application.

5. Applicant does not believe any extension of time is required for timely consideration of this amendment. In the event that an extension has been overlooked, this conditional petition of extension is hereby submitted. Applicant requests that deposit account number 19-4972 be charged for any fees that may be required for the timely consideration of this application.

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Respectfully submitted,

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